



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Bianchi et al.) Before the Examiner
Serial No. 10/699,175) Not Yet Known
Filed October 31, 2003) Group Art Unit
OPEN INTERVERTEBRAL SPACER) 3738

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

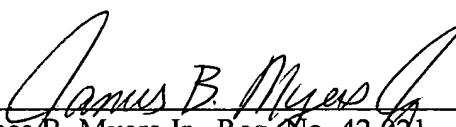
Pursuant to the duty of disclosure in accordance with 37 CFR §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications, and/or other information listed on the attached PTO Form 1449 (modified).

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted after the filing of the application but before receipt of a first action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:

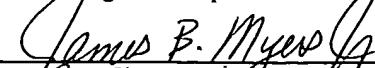

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James B. Myers, Jr.

Name of Registered Representative



Signature

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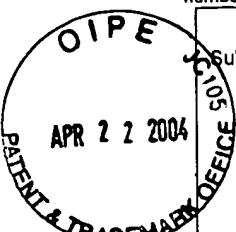
<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				<i>Complete if Known</i>	
				Application Number	10/699,175
				Filing Date	October 31, 2003
				First Named Inventor	Bianchi
				Group Art Unit	3738
				Examiner Name	
Sheet	1	of	4	Attorney Docket No.	4002-3441

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		3,486,505	05-1967	Morrison	
		3,848,601	11-1974	Ma	
		4,309,488	01-1982	Heide et al.	
		4,545,374	10-1985	Jacobson	
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		4,636,217	01-1987	Ogilvie et al.	
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		4,714,469	12-1987	Kenna	
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		4,736,738	04-1988	Lipovsek et al.	
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		5,258,029	11-1993	Chu et al.	
		5,282,861	02-1994	Kaplan	
		5,306,302	04-1994	Bauer et al.	
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		5,306,303	04-1994	Lynch	
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		5,810,819	09-1998	Errico et al.	
		5,814,084	09-1998	Grivas et al.	
		5,857,995	01-1999	Thomas et al.	
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		EP 0 077 159 A	04-1983			
		GB 2 207 607 A	02-1989			
		EP 0 307 241	03-1989			
		DE 37 41 493 A1	06-1989			
		EP 0 392 076	10-1990			
		WO 95/08306	03-1995			
		WO 95/15133	06-1995			
		WO 96/22747	08-1996			
		WO 96/40013	12-1996			
		WO 97/13378	04-1997			

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		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
		WO 97/15248 ✓	05-1997			
		WO 97/25945 ✓	07-1997			
		WO 98/17209 ✓	04-1998			
		WO 98/17330 ✓	04-1998			
		WO 01/70144 ✓	09-2001			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		AcroMed Spine Tools, <i>PLIG Instruments</i> (undated)	
		AcroMed, <i>Brantigan I/F Cage</i> , (undated)	
		Albee, Fred H. MD, <i>Bone Graft Surgery in Disease, Injury and Deformity</i> , published by D. Appleton-Century Company (1940)	
		AcroMed, <i>Brantigan I/F Cage</i> ™ for <i>PLIF</i> (1991)	
		Sofamor Danek, <i>Laparoscopic Bone Dowel Surgical Technique</i> , Memphis, Tennessee (1995)	
		<i>Musculoskeletal Transplant Foundation</i> Brochure, (Apr. 1996)	
		Sofamor Danek, <i>Surgical Technique Using Bone Dowel Instrumentation for Posterior Approach</i> , LIT.PLIF.ST96 (1996)	
		Sofamor Danek, <i>Surgical Tips Posterior Approach</i> (1998)	
		University of Florida Tissue Bank, Inc. <i>Allograft Catalog</i> (1998)	
		Vaughan, John J. MD, <i>New and Innovative Fusion Techniques</i> , The Kentucky Spines Inst. (Dec. 1998)	

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